

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRANDON SMIETANA, SKYCOIN
GLOBAL FOUNDATION LIMITED, a
Singapore company, and SYMBOLIC
ANALYTICS INC., a Delaware corporation,
Plaintiffs,

v.

BRADFORD STEPHENS, AARON KUNSTMAN,
JOEL WAYNE CUTHRIELL, MORGAN PECK,
CATHERINE BYERLY, ADVANCE MAGAZINE
PUBLISHERS INC. d/b/a THE NEW YORKER,
and UNKNOWN INDIVIDUALS and
COMPANIES,

Defendants.

Civil Action No. 24-cv-08617

**CONSENT MOTION FOR AN EXTENSION OF TIME FOR
DEFENDANT THE NEW YORKER TO RESPOND TO
SECOND AMENDED COMPLAINT**

Defendant Advance Magazine Publishers Inc. d/b/a The New Yorker (“The New Yorker”), by and through its undersigned counsel, respectfully requests, subject to and without waiver of The New Yorker’s challenges to this Court’s jurisdiction, that this Court enter an Order extending the time for The New Yorker to answer or otherwise respond to the Second Amended Complaint in the above action. In support of this Motion, The New Yorker states as follows:

1. Plaintiffs Brandon Smietana, Skycoin Global Foundation Limited, and Symbolic Analytics Inc. (collectively, “Plaintiffs”) filed their original complaint on or about April 4, 2024 in the Circuit Court of Cook County, Illinois Department, Law Division.

2. Plaintiffs amended their complaint twice. The latest and operative Second Amended Complaint was filed on September 9, 2024 in the Circuit Court of Cook County, Illinois Department, Law Division.

3. The New Yorker accepted service of the original Complaint on August 20, 2024.

4. In exchange for acceptance of service of the original Complaint, Plaintiffs agreed to extend The New Yorker's time to respond until October 21, 2024 and the state court granted such extension. Upon The New Yorker's request, the state court maintained the October 21, 2024 deadline again after Plaintiffs filed their Second Amended Complaint.

5. On September 18, 2024, The New Yorker removed the state court action to this Court on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332.

6. The New Yorker respectfully requests that the deadline for it to respond to Plaintiffs' Second Amended Complaint be extended from September 25, 2024 (seven days after the notice of removal was filed pursuant to Fed. R. Civ. P. 81(2)(C)) until October 21, 2024. This extension of time is sought because counsel has recently been retained and requires additional time to thoroughly investigate Plaintiffs' claims—which are extensive—and prepare Defendant The New Yorker's response accordingly. This unopposed motion is further made to maintain the originally agreed-upon response time in the state court action.

7. This is the first request for extension by The New Yorker regarding this deadline before this Court. This Motion is not filed for the purpose of delay or harassment and will not cause prejudice as the Motion is agreed to by Plaintiffs.

WHEREFORE Defendant The New Yorker respectfully requests that this Court enter an Order granting it until October 21, 2024 to answer or otherwise respond to Plaintiffs' Second Amended Complaint.

Dated: September 20, 2024

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

/s/ Kate Bolger

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